

C82D00
Office of the State Prosecutor

Operating Budget Data

(\$ in Thousands)

	<u>FY 12</u> <u>Actual</u>	<u>FY 13</u> <u>Working</u>	<u>FY 14</u> <u>Allowance</u>	<u>FY 13-14</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$1,261	\$1,247	\$1,286	\$39	3.1%
Contingent & Back of Bill Reductions	0	0	-1	-1	
Adjusted General Fund	\$1,261	\$1,247	\$1,285	\$38	3.0%
Special Fund	0	9	0	-9	-100.0%
Contingent & Back of Bill Reductions	0	0	0	0	
Adjusted Special Fund	\$0	\$9	\$0	-\$9	-100.0%
Adjusted Grand Total	\$1,261	\$1,256	\$1,285	\$29	2.3%

- The fiscal 2014 allowance increases by \$28,972, or 2.3%.
- \$8,976 of the general fund increase is due to the replacement of fiscal 2013 Budget Restoration Funds, created by Chapter 1 of the First Special Session of 2012, with general funds.
- Major personnel increases include \$9,210 for the full annualization of the 2013 cost-of-living adjustment, as well as \$23,996 for employee retirement contributions.

Note: Numbers may not sum to total due to rounding.

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Personnel Data

	<u>FY 12 Actual</u>	<u>FY 13 Working</u>	<u>FY 14 Allowance</u>	<u>FY 13-14 Change</u>
Regular Positions	11.00	11.00	11.00	0.00
Contractual FTEs	<u>3.00</u>	<u>2.00</u>	<u>2.00</u>	<u>0.00</u>
Total Personnel	14.00	13.00	13.00	0.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions

	0.33	3.00%
Positions and Percentage Vacant as of 12/31/12	0.0	0.0%

- The fiscal 2014 allowance includes no new regular positions or contractual full-time equivalents.
- As of December 31, 2012, the Office of the State Prosecutor has no vacant positions.

Analysis in Brief

Major Trends

Resolution of Corruption and Election Law Complaints Falls Off the Pace: The number of corruption and election law complaints closed within a timely manner has remained below 100%, which is the goal.

Recommended Actions

1. Concur with Governor's allowance.

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Office of the State Prosecutor

Operating Budget Analysis

Program Description

The Office of the State Prosecutor (OSP) is an independent agency within the Executive Branch of government. The State Prosecutor investigates and prosecutes certain criminal offenses committed by public officials. The office conducts these investigations on its own initiative or at the request of the Governor, the Attorney General, the General Assembly, the State Ethics Commission, or a State's Attorney. OSP investigates the following types of cases: criminal offenses under the State election and conflict of interest laws; violations of the State bribery laws in which a public official or employee was offered or solicited a bribe; criminal malfeasance, misfeasance, or nonfeasance committed by a public officer or employee in office; all multi-jurisdictional offenses; and violations of State, obstruction of justice, perjury, and extortion laws.

Performance Analysis: Managing for Results

1. Resolution of Corruption and Election Law Complaints Falls Off the Pace

OSP's Managing for Results performance appears to have varied in recent years. **Exhibit 1** displays the total number of corruption, election law, and other¹ types of complaints closed by OSP. An investigation is considered closed when it has resulted in an appropriate disposition. An investigation is appropriately disposed when a complaint (1) fails to meet the ethical and/or legal requirements that warrant an investigation; (2) is referred to a more appropriate agency; (3) results in a formal charge; (4) is not prosecuted due to prosecutorial suggestion; (5) warrants an investigation by OSP but is later deemed to be nonprosecutorial because the activity does not violate the law; or (6) is given no further consideration (*e.g.*, no action) because the nature of the allegation does not warrant a preliminary review or inquiry by the agency. In fiscal 2012, the number of corruption complaints closed decreased 10.6% from 2011, while election law complaints closed increased 285.6% from 2011.

Exhibit 2 shows the number of corruption complaints made and the percent of corruption investigations closed in a timely manner by OSP. In fiscal 2012, 98% of corruption complaints were closed in a timely² manner. While this is an increase over the fiscal 2011 level of 93%, 100% of corruption complaints were closed in a timely manner in the six previous fiscal years. OSP attributes these fluctuations to the fact that the number of corruption cases has increased both in number and complexity, while the personnel to handle these complaints has remained constant.

¹ All "other" complaints involve alleged violations of the State Ethics Law, or multi-jurisdictional offenses when an investigation is requested by the Governor, Attorney General, General Assembly, or a State's Attorney.

² "Timely" is defined as corruption complaints closed within two years.

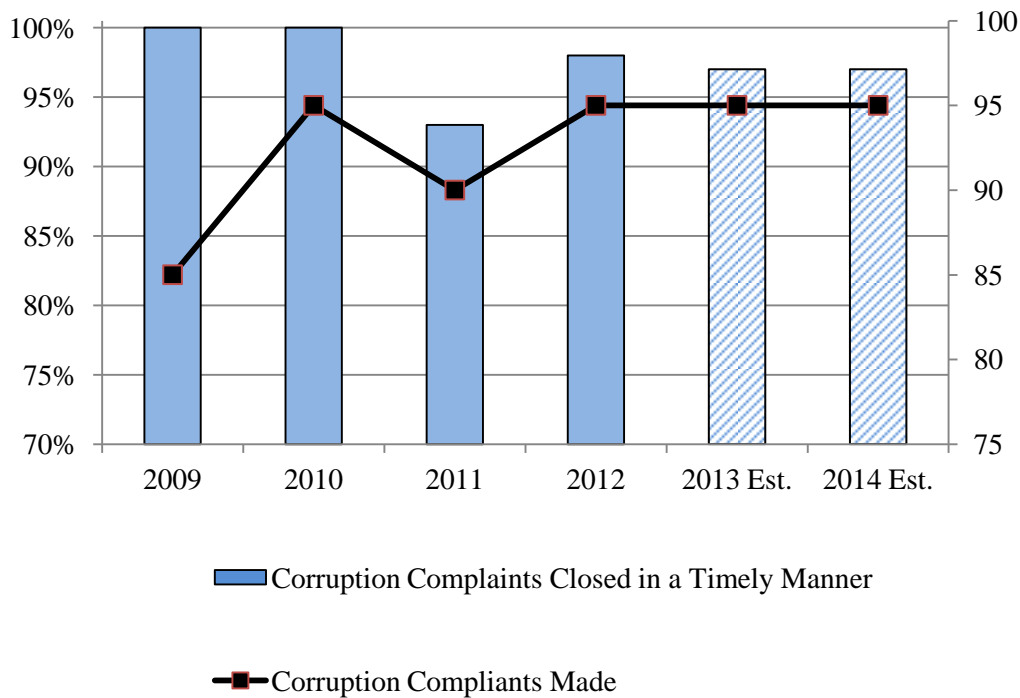
Exhibit 1
Corruption, Election Law, and Other Types of Cases Closed
Fiscal 2010-2014

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Estimate</u> <u>2013</u>	<u>Estimate</u> <u>2014</u>
Corruption Complaints					
Fails to meet ethical and/or legal requirements	0	4	2	2	2
Referral	0	0	3	2	2
Meets requirements to be an OSP investigation, but insufficient evidence	94	84	76	83	83
Prosecutorial discretion	3	6	2	5	5
Formal charge filed	0	0	1	3	3
Inappropriate disposition	0	0	0	0	0
Total	97	94	84	95	95
Election Law Complaints					
No action	0	0	0	0	0
Fails to meet ethical and/ or legal requirements	0	24	12	20	20
Referral	0	0	0	0	0
Meets requirements to be an OSP investigation, but insufficient evidence	10	30	13	20	20
Prosecutorial discretion	77	23	320	300	300
Formal charge filed	2	13	2	10	10
Inappropriate disposition	0	0	0	0	0
Total	89	90	347	350	350
Other Types of Complaints					
No action	0	0	0	0	0
Fails to meet ethical and/or legal requirements	7	2	1	7	7
Referral	1	2	0	0	0
Meets requirements to be an OSP investigation, but insufficient evidence	7	7	7	7	7
Prosecutorial discretion	3	4	3	4	4
Formal charge filed	2	3	0	0	0
Inappropriate disposition	0	0	0	0	0
Total	20	18	11	18	18

OSP: Office of the State Prosecutor

Source: Office of the State Prosecutor

Exhibit 2
Corruption Complaints
Fiscal 2009-2014



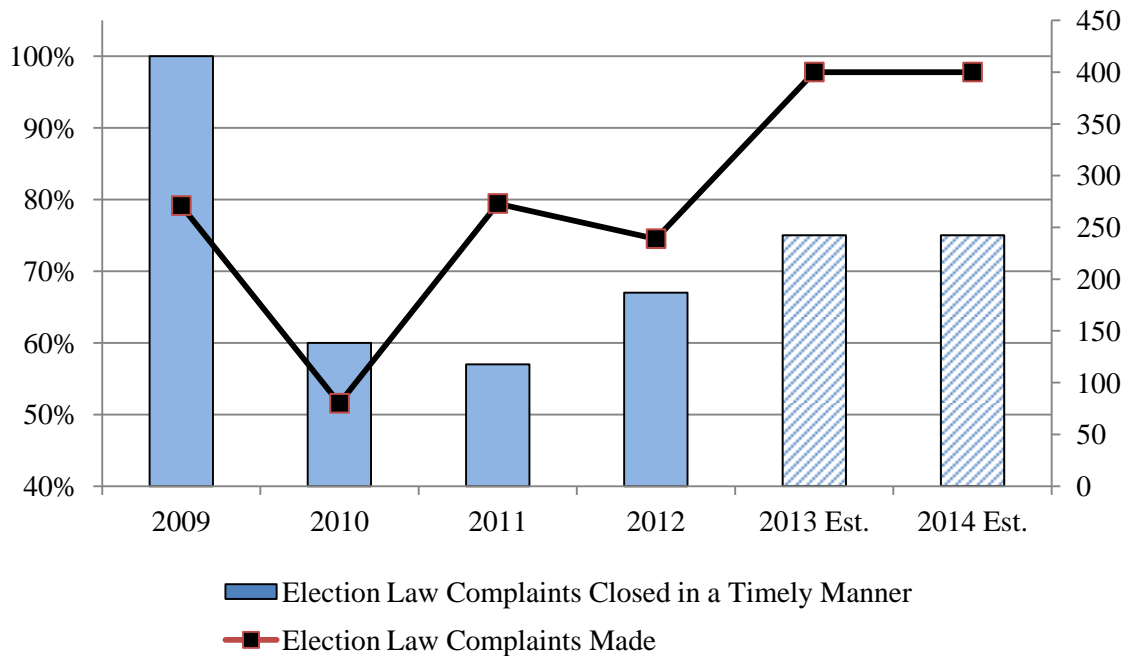
Note: Timely is defined as within two years.

Source: Office of the State Prosecutor

Exhibit 3 shows the number of election law complaints made and the percent of election law complaints closed in a timely³ manner by OSP. While the percentage of election law complaints timely closed increased to 67% in fiscal 2012, this represents the third year where complaints were closed in a timely manner below 100%. Further, projections for the percentage of complaints timely closed have fallen from 95 to 75% for fiscal 2013 and 2014. OSP attributes these changes to significant turnover in the position responsible for election law investigations due to the lack of benefits associated with the position. The number and complexity of these complaints has also increased significantly due to recent changes in election laws and greater public awareness, according to OSP.

³ “Timely” is defined as election law complaints closed within six months.

Exhibit 3
Election Law Complaints
Fiscal 2009-2014



Note: Timely is defined as within six months.

Source: Office of the State Prosecutor

Proposed Budget

When adjusted for across-the-board reductions, the fiscal 2014 allowance increases by \$28,972, as shown in **Exhibit 4**. Major increases for personnel expenditures include \$9,210 for the annualization of the 2013 cost-of-living adjustment (COLA), \$6,005 for the reclassification of the Deputy State Prosecutor position, and \$23,996 for employee retirement contributions. Contribution rates for the regular employees, teachers, State Police, and Law Enforcement Officers pension plans increase in fiscal 2014. The rate increases are attributable to underattaining investment returns, adjusting actuarial assumptions, and increasing the reinvestment of savings achieved in the 2011 pension reform.

In addition, other spending changes include a \$5,000 increase for office supplies and a \$4,430 increase for computer maintenance. These costs are offset by decreases in contractual

employment, which declined \$14,490, primarily due to lower salary costs for new contractual employees and decreases in various assigned charges.

Exhibit 4
Proposed Budget
Office of the State Prosecutor
(\$ in Thousands)

How Much It Grows:	General Fund	Special Fund	Total
2013 Working Appropriation	\$1,247	\$9	\$1,256
2014 Allowance	<u>1,286</u>	<u>0</u>	<u>1,286</u>
Amount Change	\$39	-\$9	\$30
Percent Change	3.1%	-100.0%	2.4%
Contingent Reductions	-\$1	\$0	\$1
Adjusted Change	38	-9	29
Adjusted Percent Change	3.0%	-100.0%	2.3%

Where It Goes:

Personnel Expenses

Employee retirement	\$24
Annualized cost-of-living adjustment	9
Reclassification	6
Employee and retiree health insurance.....	-4
Other personnel adjustments	1

Other Changes

Contractual employment	-14
Supplies	5
Computer maintenance.....	4
Assigned charges.....	-2

Total	\$29
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Note: Numbers may not sum to total due to rounding.

Recommended Actions

1. Concur with Governor's allowance.

Current and Prior Year Budgets

Current and Prior Year Budgets Office of the State Prosecutor (\$ in Thousands)

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2012					
Legislative Appropriation	\$1,255	\$0	\$0	\$0	\$1,255
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	8	0	0	0	8
Reversions and Cancellations	-2	0	0	0	-2
Actual Expenditures	\$1,261	\$0	\$0	\$0	\$1,261
Fiscal 2013					
Legislative Appropriation	\$1,247	\$0	\$0	\$0	\$1,247
Budget Amendments	0	9	0	0	9
Working Appropriation	\$1,247	\$9	\$0	\$0	\$1,256

Note: Numbers may not sum to total due to rounding.

Fiscal 2012

OSP completed fiscal 2012 \$6,047 above the legislative appropriation. This was due to \$8,070 in added general funds through a budget amendment for the one-time \$750 employee bonus. OSP also reverted \$2,023 at the end of fiscal 2012.

Fiscal 2013

To date, \$8,976 is added to the OSP legislative appropriation in special funds. This is due to the COLA adjustment related to the Budget Restoration Funds.

Audit Findings

Audit Period for Last Audit:	October 8, 2009 – September 12, 2012
Issue Date:	January 2013
Number of Findings:	0
Number of Repeat Findings:	0
% of Repeat Findings:	n/a
Rating: (if applicable)	n/a

The audit did not disclose any findings.

**Object/Fund Difference Report
Office of the State Prosecutor**

<u>Object/Fund</u>	<u>FY 12 Actual</u>	<u>FY 13 Working Appropriation</u>	<u>FY 14 Allowance</u>	<u>FY 13 - FY 14 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	11.00	11.00	11.00	0.00	0.0%
02 Contractual	3.00	2.00	2.00	0.00	0.0%
Total Positions	14.00	13.00	13.00	0.00	0.0%
Objects					
01 Salaries and Wages	\$ 1,020,814	\$ 1,026,179	\$ 1,062,964	\$ 36,785	3.6%
02 Technical and Spec. Fees	56,871	77,663	63,173	-14,490	-18.7%
03 Communication	5,207	22,514	22,292	-222	-1.0%
04 Travel	4,398	700	700	0.0	0.0%
07 Motor Vehicles	17,935	19,364	18,910	-454	-2.3%
08 Contractual Services	33,291	15,782	19,195	3,413	21.6%
09 Supplies and Materials	41,544	10,780	15,780	5,000	46.4%
13 Fixed Charges	80,838	83,109	83,109	0	0.0%
Total Objects	\$ 1,260,898	\$ 1,256,091	\$ 1,286,123	\$ 30,032	2.4%
Funds					
01 General Fund	\$ 1,260,898	\$ 1,247,115	\$ 1,286,123	\$ 39,008	3.1%
03 Special Fund	0	8,976	0	-8,976	-100.0%
Total Funds	\$ 1,260,898	\$ 1,256,091	\$ 1,286,123	\$ 30,032	2.4%

Note: The fiscal 2013 appropriation does not include deficiencies. The fiscal 2014 allowance does not include contingent reductions.

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Appendix 3